UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION 9

VOITH INDUSTRIAL SERVICES, INC., Respondent,

and Cases 9-CA-075496

9-CA-078747 9-CA-082437

GENERAL DRIVERS, WAREHOUSEMEN & HELPERS, LOCAL UNION NO. 89, AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, Charging Party,

and

UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, AFL-CIO, Respondent, and UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, LOCAL UNION NO. 862, AFL-CIO,

Respondent,

and Case 9-CB-075505 9-CB-082805

GENERAL DRIVERS, WAREHOUSEMEN & HELPERS, LOCAL UNION 89, AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, Charging Party.

CHARGING PARTY TEAMSTERS LOCAL 89 OBJECTION TO RESPONDENT'S SECOND REQUEST FOR EXTENSION OF TIME TO FILE EXCEPTIONS

Charging Party General Drivers, Warehousemen & Helpers, Local Union 89 ("Teamsters Local 89"), a labor organization affiliated with International Brotherhood of Teamsters, by counsel, files this objection and opposition to Respondent Voith Industrial Services, Inc. request to a second extension of the exceptions filing date from February 11, 2013, to a date sixty (60) calendar days in the future. Charging Party Teamsters Local 89 states that such an extension of

time is detrimental to the exercise of the Section 7 rights of the affected employees and is contrary to the policies of the Act. The reasons for denial of Respondent's latest request are as follows:

- 1. Attorneys for Respondent Voith requested and received at least two adjournments of the ALJ hearing, claiming it had an interest in settlement. See e.g., Tr. 1561, lines 3-17; Tr. 1591, lines 21-25 and Tr. 1592, lines 1-13. No good faith was shown by Voith representatives during these discussions and Voith representatives have consistently exhibited no present intention of reaching an agreement with Charging Party Teamsters Local 89 on any matter that might lead to a non-Board resolution of this dispute. These adjournments simply delayed the decision of the ALJ. The instant second request for a further sixty (60) day delay in filing Exceptions to the ALJD is simply designed by Respondent Voith to interfere with, coerce and restrain the affected employees in the exercise of their rights under the Act.
- 2. Although Respondent Voith's second extension request filing correctly recounts that Charging Party Teamsters Local 89 opposes an extension of the February 11, 2013 Exceptions filing date [Respondent 2/4/2013 Motion, paragraph 14, page 5], Respondent's counsel mischaracterizes Charging Party's position on settlement [Respondent 2/4/2013 Motion, paragraph 9, page 3]. Charging Party Teamsters Local 89 expressly advised Respondent Voith on several occasions that it **would not** become involved in "discussions as part of an overall global resolve of all issues relative to all of the essential parties." What Charging Party Teamsters Local 89 advised Respondent Voith, by phone, and in writing, was that Voith was required to meet and bargain with Teamsters Local 89 regarding mandatory subjects affecting the bargaining unit at the Ford Louisville Assembly Plant. No other party to this case needs to

participate in that "discussion". See, attached letter dated December 28, 2012 from Teamsters

Local 89 President Fred Zuckerman to Voith manager Gebhardt, demanding compliance with the

ALJD.

3. Voith can either comply with the ALJD recommended orders and remedies,

foregoing its 2/11/2013 Exceptions filing, and meet and bargain with Charging Party Teamsters

Local 89, or it should meet the 2/11/2013 date it previously requested for filing its exceptions to

the ALJD. If after filing its exceptions on 2/11/2013 Voith desires any "further discussions" with

Charging Party Teamsters Local 89, Voith representatives can travel to Louisville and meet and

bargain exclusively with Teamsters Local 89 as required by the ALJD recommended order and as

demanded in Mr. Zuckerman's December 28, 2013 letter.

For the foregoing reasons, Charging Party Teamsters Local 89 respectfully requests that

Respondent's second request for extension of time for filing Exceptions be denied.

Date: February 4, 2013

Respectfully submitted,

/s/ James F. Wallington

James F. Wallington (D.C. Bar # 437309)

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of February, 2013, I electronically filed the foregoing Charging Party Teamsters Local 89 Objection to Respondent" Request for an Extension of Time for filing Exceptions with the Executive Secretary of the National Labor Relations Board using the Board's E-File system, and served copies by electronic mail addressed to the representatives of the parties in this matter as follows:

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